

There was objection.

Senator Bradshaw then moved to suspend the regular order of business and take up C. S. S. B. No. 63 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lane
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Smith
Hudson	Weinert
Kazen	Wood

Nays—1

Willis

Absent

Dies	Martin
Fly	Moore
Krueger	Secrest

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 63, A bill to be entitled "An Act providing for a certificate signed by a practitioner of the healing arts, in lieu of requiring vaccination or inoculation for admission to public schools and state-supported institutions of higher learning; and providing exemption on religious objections; providing for personal liability and penalties; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Vote

Senator Willis asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 63 to engrossment.

**Committee Substitute
Senate Bill 63 on Third Reading**

Senator Bradshaw moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 63 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Smith
Hudson	Weinert
Kazen	Wood
Lane	

Nays—1

Willis

Absent

Dies	Moore
Fly	Secrest
Krueger	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Willis and Hardeman asked to be recorded as voting "Nay" on the final passage of C. S. S. B. No. 63.

Adjournment

On motion of Senator Weinert the Senate at 9:01 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FIFTY-NINTH DAY

(Wednesday, May 6, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Fuller
Baker	Gonzalez
Bradshaw	Hardeman
Colson	Hazlewood
Crump	Herring
Dies	Hudson
Fly	Kazen

Krueger	Reagan
Lane	Roberts
Martin	Rogers
Moffett	Secrest
Moore	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood
Ratliff	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, Our Father, as a blind man yearns for the light, so may our souls yearn for Thee. We have eyes to see, and see not; ears to hear, and hear not. Forgive us our failures, and make us laborers together with Thee in making this a better state in which to live. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Concurrent Resolution 72

Senator Aikin offered the following resolution:

S. C. R. No. 72, Designating Public Schools Week February 24-March 5, 1960.

Whereas, February 28 through March 5 has been designated as Public Schools Week for 1960; and

Whereas, This will be the 10th year of the annual observance of Public Schools Week; and

Whereas, In the immediate past year more than two million people visited the public schools in this State and made it the most successful observance since its beginning; and

Whereas, Every Texan has the opportunity and the right to attend our public schools and to acquire the necessary learning for making an honorable living, as well as an appreciation and understanding of the correspondent duties, obligations and rights of American citizenship; and

Whereas, It is the privilege and duty of every citizen to cooperate with his respective school board members and teachers in a constant effort to improve our public schools; and

Whereas, The Texas Legislature desires to express its belief that a sound

progressive system of education requires the active interest and participation of all of our people and that widespread public understanding of our schools can best be developed by personal inspections of our schools and observation of the pupils and teachers; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the week of February 28 through March 5, 1960, be designated as the Tenth Annual Public Schools Week in Texas, and that we urge all Texans to visit a public school during this period in order to become personally acquainted with the physical plants of our public school system and with the progress and accomplishments of our public education program.

AIKIN
MOFFETT
SMITH
SECREST
COLSON

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 489, A bill to be entitled "An Act to provide for the registration and protection of trademarks, service marks and the like; to repeal Articles 843 through 851-B, inclusive, of the Revised Statutes of the State of Texas, 1925, and Articles 1058 through 1062, inclusive, and Article 1066 of the Penal Code of the State of Texas, Revised 1925, and all laws in conflict herewith."

H. B. No. 676, A bill to be entitled "An Act to amend Article 5506, Chapter 7, Title 90, of the Revised Civil Statutes of the State of Texas, 1925, by providing for the creation of liens or charges on assets owned or thereafter owned by the debtor creating the lien or charge, the lien or charge to take effect as a specific encum-

brance only upon declaration of a default in the terms or conditions contained in the instrument creating the lien or charge; that liens or charges so created shall not be invalid by reason of freedom in the debtor to dispose of all or part of the assets subject to such lien or charge; providing for the recordation of instruments creating such liens or charges in the office of the Secretary of State and authorizing him to establish and maintain a filing system therefor; providing for the enforcement of the lien or charge upon default in any term or condition of the instrument; providing that if any provision of the Act shall be held invalid such invalidity shall not affect any other provision; and declaring an emergency."

H. B. No. 710, A bill to be entitled "An Act amending Sections 1, 2 and 3 of H. B. No. 352, Chapter 436, Page 893, Acts of the 45th Legislature, Regular Session, 1937, as amended, (Codified as Article 5221c of Vernon's Revised Texas Statutes) relating to the inspection of boilers; changing the definitions of the term 'boiler'; revising the list of boilers exempt from the provisions of the Act; and declaring an emergency."

H. B. No. 752, A bill to be entitled "An Act amending Section 9 of Article 8306, the employers' liability and workmen's compensation insurance laws of this State, by providing that the liability of the association for funeral benefits shall not exceed Five Hundred Dollars (\$500); providing a saving clause; and declaring an emergency."

H. B. No. 813, A bill to be entitled "An Act authorizing and providing for certain cities and towns (hereinafter referred to as 'cities' or 'city'), under certain conditions, to take over the powers, duties, assets, and obligations of certain water control and improvement districts and fresh water supply districts (hereinafter referred to as 'districts' or 'district') lying in more than one city; authorizing and providing for the abolition of such district; authorizing the levy of taxes by such cities to pay principal of and interest on district obligations (payable in whole or in part from taxes) assumed by such cities; providing for the operation of district utility systems or properties where district has outstanding obligations payable in whole or in part from net revenue at time of its abolition and con-

taining provisions with respect to application of revenues of such systems and properties and to the operation thereof; authorizing the issuance of city general obligation refunding bonds or city revenue bonds, either or both, for the purpose of refunding obligations of such districts and other obligations of such cities; containing other provisions relating to the subject; repealing Chapter 380, Acts of the 55th Legislature of Texas, Regular Session; validating proceedings relating to abolition of districts and the distribution of district assets and assumption by cities of district debts, liabilities and obligations, and validating agreements relating thereto, and validating annexations made by cities of territory of districts and incorporation of cities over such territory of districts and incorporation of cities over such territory and validating actions of cities in taking over properties and assets of districts and in assuming district debts, liabilities and obligations, and validating bonds issued by cities to refund district obligations, and validating proceedings of cities relating to the issuance of such refunding bonds whether such bonds have yet been issued or not, and validating all bonds heretofore voted or otherwise authorized by cities to extend and improve district utility systems or properties acquired or to be acquired by said cities and the proceedings relating thereto; providing a severability clause; and declaring an emergency."

H. B. No. 850, A bill to be entitled "An Act to create the Iron's Bayou Watershed Authority as a conservation and reclamation district in Panola County, Texas, under the provisions of Article XVI, Section 59 of the Constitution of Texas; prescribing the duties, powers, functions, and procedures for the district, including the right to participate in the organization of subordinate districts to carry out the function of the master district under certain circumstances and conditions; providing for the incurring of obligations and the methods for the selection of manner for paying such obligation of the master and subordinate districts; providing the Authority or subordinate district shall bear the expense of necessary relocation of facilities; providing for a governing body and prescribing their duties; adopting certain provisions of the general law; enacting other provisions required for the functioning

of the master and subordinate districts; providing a severance clause; and declaring an emergency."

H. B. No. 973, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Bacliff Municipal Utility District'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 975, A bill to be entitled "An Act to create the Beason-Cedar Creek Watershed Authority as a conservation and reclamation district in Grimes and Waller Counties under the provision of Article XVI, Section 59 of the Constitution of Texas; prescribing the duties, powers, functions, and procedures for the districts, including the right to participate in the organization of subordinate districts to carry out the functions of the master district under certain circumstances and conditions; providing for the incurring of obligations and the methods for the selection of manner for paying such obligations of the master and subordinate districts; providing for a governing body and prescribing their duties; adopting certain provisions of the general law; enacting other provisions required for the functioning of the master and subordinate districts; providing a severance clause; and declaring an emergency."

H. B. No. 82, A bill to be entitled "An Act to amend Chapter 471, Acts of the 52nd Legislature, Regular Session, 1951, as amended, compiled as Vernon's Civil Statutes, Art. 373a, by amending Section 2, inserting a new Section 2a, and amending Section 4 and 5 so as to provide for admissibility of a greater number of domestic and foreign records, admissibility of foreign laws as evidence of the matters contained therein, and for authentication of such records and foreign laws; and declaring an emergency."

H. B. No. 966, A bill to be entitled "An Act to amend Chapter 125, Acts

of the 41st Legislature, Regular Session, 1929, as amended, compiled as Vernon's Civil Statutes, Art. 2039a, by amending Section 1 so as to provide that acceptance of benefits of operation of a motor vehicle or motorcycle within the State of Texas by a resident who becomes a non-resident before service upon him of process in any civil action shall be deemed equivalent to the appointment of the Chairman of the State Highway Commission of Texas as agent for service; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 510

Senator Secrest offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 45 Government and American History students of Troy High School, accompanied by their teacher, Mr. Hallie A. Gee, Jr.; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to their class in appreciation of their visit.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented the students and Mr. Gee to the Members of the Senate.

Senate Bill 286 with House Amendments

Senator Fly called S. B. No. 286 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and

House amendments before the Senate, and the House amendments were read.

Senator Fly moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Senate Bill 377 with House Amendments

Senator Weinert called S. B. No. 377 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Weinert moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Senate Bill 367 with House Amendments

Senator Willis called S. B. No. 367 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	

Absent

Rogers Wood

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 813, To the Committee on Counties, Cities and Towns.

House Bill 839 Re-referred

On motion of Senator Secrest and by unanimous consent H. B. No. 839 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Senate Bill 412 with House Amendments

Senator Kazen called S. B. No. 412 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kazen moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent

Wood

Reports of Standing Committees

Senator Willis submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. 941, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 152, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 813, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 839, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

House Bill 813 Ordered Not Printed

On motion of Senator Phillips and by unanimous consent H. B. No. 813 was ordered not printed.

Senate Bill 352 with House Amendments

Senator Smith called S. B. No. 352 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Smith moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hazlewood
Baker	Herring
Bradshaw	Hudson
Colson	Kazen
Crump	Krueger
Dies	Lane
Fly	Martin
Fuller	Moffett
Gonzalez	Moore
Hardeman	Owen

Parkhouse	Secrest
Phillips	Smith
Ratliff	Weinert
Reagan	Willis
Roberts	Wood
Rogers	

House Bill 945 Re-referred

On motion of Senator Lane and by unanimous consent H. B. No. 945 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

House Bill 289 Re-referred

On motion of Senator Lane and by unanimous consent H. B. No. 289 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

**House Concurrent Resolution 115
on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 115, Suspending Joint Rules to consider H. B. No. 49 at any time.

By unanimous consent the resolution was considered immediately and was adopted.

House Bill 839 Ordered Not Printed

On motion of Senator Secrest and by unanimous consent H. B. 839 was ordered not printed.

Senate Resolution 512

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the students of the Deanville Elementary School, accompanied by their sponsors, Mr. E. D. Kristof and Steve Shiller; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demon-

strating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the students and their sponsors to the Members of the Senate.

**House Bills 152 and 941
Ordered Not Printed**

On motion of Senator Hazlewood and by unanimous consent H. B. Nos. 152 and 941 were ordered not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 6, Memorializing Congress to propose an amendment to the Constitution repealing the 16th amendment relative to levying taxes on personal income, estates and/or gifts.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Senate Bill 218 with
House Amendments**

Senator Gonzalez called S. B. No. 218 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Gonzalez moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	

Absent

Moore	Wood
-------	------

Senate Bill 296 with
House Amendments

Senator Gonzalez called S. B. No. 296 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Gonzalez moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Hardeman

Senate Bill 297 with
House Amendments

Senator Gonzalez called S. B. No. 297 from the President's table for

consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Gonzalez moved that the Senate concur in the House amendments.

The motion prevailed by the following votes:

Yeas—29

Aikin	Lane
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Smith
Herring	Weinert
Hudson	Willis
Kazen	Wood
Krueger	

Absent

Martin	Secrest
--------	---------

Senate Bill 299 with
House Amendments

Senator Gonzalez called S. B. No. 299 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Gonzalez moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hazlewood
Baker	Herring
Bradshaw	Hudson
Colson	Kazen
Crump	Krueger
Dies	Lane
Fly	Martin
Fuller	Moffett
Gonzalez	Moore
Hardeman	Owen

Parkhouse	Secrest
Phillips	Smith
Ratliff	Weinert
Reagan	Willis
Roberts	Wood
Rogers	

**Senate Bill 447 with
House Amendments**

Senator Hardeman called S. B. No. 447 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Krueger	Willis
Lane	Wood

Absent

Kazen

**Senate Bill 316 with
House Amendments**

Senator Secrest called S. B. No. 316 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Secrest moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent

Reagan

**Senate Bill 381 with
House Amendments**

Senator Hudson called S. B. No. 381 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hudson moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 421, A bill to be entitled "An Act concerning the care and treatment of those afflicted with tuberculosis; imposing certain responsibilities and duties upon the Board for Texas State Hospitals and Special Schools and the Texas State Department of Health; providing for control and sanitary management of tuberculosis; providing for quarantine of persons infected with tuberculosis in an infectious and contagious state under certain conditions; providing for admission to state tuberculosis hospitals; providing for return of tuberculous patients to state of their residence; providing for reciprocal agreements; providing for indigent tuberculous patients; providing for private additions to state tuberculosis hospitals; providing for conveyances by counties in establishing tuberculosis hospitals; providing that all appropriations heretofore made and now effective or hereafter to be made for the use and benefit of the state tuberculosis hospitals shall remain available for their use and benefit; providing that all contracts entered into in behalf of the state tuberculosis hospitals are hereby ratified, confirmed, and validated; amending Section 8 of Article 3174b Revised Civil Statutes of Texas, 1925, as amended Acts 1949 51st Leg., p. 588, ch. 316; amending Rules 3, 4, 20, 14, 23, 25 of Article 4477 Revised Civil Statutes of Texas, 1925, relating to the Sanitary Code; repealing Article 3238b, Acts 1951, 52nd Leg., p. 587, ch. 343, § 1; repealing Article 3238c, Acts 1955, 54th Leg. p. 18, ch. 15; Art. 3239, Acts 1911, 32nd Leg., p. 140, ch. 77, § 20; repealing Article 3240, Acts 1911, 32nd Leg., ch. 77, p. 138, § 12, 12½; repealing Article 3241, Acts 1911, 32nd Leg., ch. 77, p. 138, § 13, as amended Acts 1953, 53rd Leg., p. 449, ch. 135, § 1; repealing Articles 3242 and Article 3243, Acts 1911, 32nd Leg., ch. 77, p. 139, § 14 and 15; repealing Article 3244, and Article 3245, Acts 1911, 32nd Leg., p. 139, ch. 77, § 16; Acts 1943, 48th Leg., p. 75, ch. 60, § 1 and 2; repealing Article 3246, Acts 1911, 32nd Leg., p. 140, ch. 77, § 17; repealing Article 3248, Acts 1911, 32nd Leg., p. 140, ch. 77, § 19; Acts 1943, 48th Leg., p. 75, ch. 60 § 3; repealing Article 3249, Acts 1917,

35th Leg., ch. 186, p. 408, § 1; repealing Article 3250, Acts 1917, 35th Leg., ch. 186, p. 409, § 1; repealing Article 3251, Acts 1917, 35th Leg., ch. 186, p. 409, § 1; repealing Article 3251a, Acts 1947, 50th Leg., p. 58, ch. 44, § 1; repealing Article 3254a, Sections 1 to 20 inclusive, Acts 1935, 44th Leg., p. 359, ch. 131; repealing Articles 3254a-1, Sections 13, 14 and 15, and Article 3254d, Sections 16 and 17, Acts 1947, 50th Leg., p. 679, ch. 344; Acts 1949, 51st Leg., p. 389, ch. 207, § § 2, 3, 4, and 5; repealing Article 3254-d-1, Sections 1 to 4 inclusive, Acts 1951, 52nd Leg., p. 331, ch. 203; repealing Article 4440, Acts 1st C. S. 1909, p. 337; repealing Article 3183 d, Acts 1953, 53rd Leg., p. 46, ch. 37, and all laws and parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed; providing a saving clause; providing for severability; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Conference Committee on House Bill 135

Senator Rogers called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 135 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly the President announced the appointment of the following Conference Committee on the part of the Senate: Senators Rogers, Moffett, Hardeman, Fly and Roberts.

Senate Bill 401 with House Amendments

Senator Phillips called S. B. No. 401 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Phillips moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Hudson	Willis
Kazen	Wood
Krueger	

Nays—1

Martin

Absent

Owen

Senate Bill 421 with House Amendments

Senator Moore called S. B. No. 421 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Colson	Moore
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Wood

Nays—2

Bradshaw

Willis

Absent

Crump

Report of Standing Committee

Senator Kazen by unanimous consent submitted the following report:

Austin, Texas,

May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred H. B. No. 863, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senate Bill 349 with House Amendments

Senator Herring called S. B. No. 349 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent

Crump

Hazlewood

Senate Resolution 513

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Texas Government Class from St. Mary's University, San Antonio, Texas, accompanied by their teacher, Maury Maverick, Jr.; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students and their teacher to the Members of the Senate.

Senate Bill 146 with House Amendments

Senator Parkhouse called S. B. No. 146 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Herring	Smith
Hudson	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent

Hazlewood Kazen

House Bill 865 Re-referred

On motion of Senator Hudson and by unanimous consent H. B. No. 865 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

House Concurrent Resolution 106 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 106, Suspending Joint Rule 9A to consider House Bill No. 97.

The resolution was read.

Senator Herring offered the following amendment to the resolution:

Amend H. C. R. No. 106 by inserting in line 4, after the figures 97, the following words "and S. B. 53"

The amendment was adopted.

The resolution as amended was then adopted.

House Bill 863 Ordered Not Printed

On motion of Senator Reagan and by unanimous consent H. B. No. 863 was ordered not printed.

Conference Committee Report on Senate Bill 220

Senator Herring submitted the following Conference Committee Report on S. B. No. 220:

Austin, Texas,
May 4, 1959.

Hon. Ben Ramsey, President of the Senate:

Hon. Waggoner Carr, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 220, have met and had some under consideration, and beg to report it

back with the recommendation that it do pass in the form attached.

HERRING
CRUMP
KRUEGER
DIES
HARDEMAN

On the Part of the Senate.

JONES of Travis
RICHARDSON
JOHNSON
SLACK
BURKETT

On the Part of the House.

S. B. 220,

A BILL
TO BE ENTITLED

AN ACT amending Article 614 of the Penal Code of Texas, relating to persons engaging in roping contests; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 614 of the Penal Code of Texas, 1925, as last amended by Section 9, Acts 1931, 42nd Legislature, page 342, chapter 209, is amended to read as follows:

"Any person, who shall engage in a roping contest with other persons or alone, in which cattle or other animals are roped as a test or trial of skill of the person or persons engaged in such roping contest, for any money or prize of any character, or for any championship, for anything of value, or upon the result of which, any money or anything of value is bet or wagered, shall be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars. Each animal roped, or attempted to be roped, shall be a separate offense; provided however, that nothing in this Act shall prevent roping contests without betting or wagering wherein calves or goats are roped as a test or trial of skill."

Section 2. The fact that the law as it presently exists renders uncertain the status of persons engaging in calf roping activities; and the fact that such activities have traditionally been a great source of enjoyment and benefit to the citizens of this State; and the fact that persons engaging in such activities should be free of any doubt as to the legality of such activities creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to

be read on three several days in each House be suspended, and the rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

House Concurrent Resolution 6 on
Second Reading

Senator Moore asked unanimous consent to suspend the regular order of business to take up H. C. R. No. 6 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up H. C. R. No. 6 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Fly	Ratliff
Fuller	Reagan
Hardeman	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Moffett	

Nays—6

Dies	Martin
Gonzalez	Roberts
Herring	Rogers

Absent

Baker Hazlewood

The President laid before the Senate the following resolution:

H. C. R. No. 6, Memorializing Congress to propose an amendment to the Constitution repealing the 16th Amendment relative to levying taxes on personal incomes, estates and/or gifts.

The resolution was read and was adopted.

**Conference Committee Report on
House Bill 47**

Senator Bradshaw submitted the following Conference Committee Report on H. B. No. 47:

Austin, Texas,
May 5, 1959.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 47, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

**BRADSHAW
SMITH
SECRET
MOFFETT
REAGAN**

On the part of the Senate.

**OLIVER
COLEY
PIPKIN
SLACK**

On the part of the House.

H. B. No. 47,

**A BILL
TO BE ENTITLED**

"An Act adding Articles 879h-1, 879h-2, 879h-3, 879h-4 and 879h-5 to Article 879 of the Penal Code of Texas, providing for an archery season on turkey, deer, bear and javelina; forbidding possession of a firearm or crossbow while hunting during said season; regulating the use of bow and arrows in hunting said wild game;

providing for a penalty for violation; defining the term 'deer'; providing the Game and Fish Commission shall determine the length of season to hunt wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina with bows and arrows and set the opening and closing of such season in certain counties; excepting certain counties from the provisions of the Act; restricting hunting in Jack, Wise and Parker counties to residents of said counties; repealing all laws in conflict; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That there be added to Article 879 of the Penal Code of Texas five additional separate and distinct articles to be numbered 879h-1, 879h-2, 879h-3, 879h-4 and 879h-5 and to read as follows:

"Article 879h-1. There shall be an open archery season, or period of time, when it shall be lawful to hunt, take and kill solely with bows and arrows, wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina in both the North and South Zones, October 1 to October 31 of each year both days inclusive.

"Article 879h-2. It shall be unlawful to hunt, take or kill wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina from October 1 to October 31 of each year while having any type of firearm or crossbow on the person and at the same time have in his or her possession bow and arrow in an automobile or in a hunting camp or otherwise having any type of firearm or any type of crossbow in possession.

"Any person violating any provision of this law shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200).

"Article 879h-3. It shall be unlawful at any time to hunt, take or kill with bows and arrows wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina under each of these circumstances: using a bow that is not capable of shooting a hunting arrow equipped with a broadhead hunting point for a distance of one hundred and thirty (130) yards; using arrows that are not equipped with boardhead hunting points at

least seven-eighths inches (7/8") in width and not over one and one-half inches (1-1/2") in width; using arrows that do not have on them in some non-water-soluble media the name and address of the user; using either poisoned, drugged or explosive arrows.

"Any person violating any provision of this law shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

"Article 879h-4. Deer shall be defined in this Act as a buck with three points or more.

"Article 879h-5. In counties where the hunting season on wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina is less than thirty-one (31) days, the Game and Fish Commission shall determine the length of the season to hunt wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina with bows and arrows not to exceed the firearms hunting season and shall fix the number of days of the hunting season with bows and arrows. The Game and Fish Commission shall also set the opening and closing days of such season."

Sec. 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Sec. 2A. The provisions of this Act shall not be applicable in whole or in part to the following counties: Anderson, Angelina, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Blanco, Borden, Bosque, Bowie, Brazoria, Brewster, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Cherokee, Colorado, Comanche, Comal, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Deaf Smith, Delta, DeWitt, Dickens, Eastland, Ector, Edwards, Ellis, Erath, Fannin, Fayette, Fisher, Foard, Fort Bend, Franklin, Frio, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hill, Hood, Hopkins, Houston, Howard, Hutchinson, Irion, Jackson, Jasper, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kleberg, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Leon, Lipscomb, Live Oak, Llano, McCul-

loch, McMullen, Marion, Martin, Mason, Matagorda, Maverick, Menard, Mitchell, Montgomery, Moore, Morris, Nacogdoches, Newton, Nolan, Nueces, Ochiltree, Oldham, Panola, Parmer, Polk, Rains, Reagan, Real, Red River, Roberts, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Titus, Tom Green, Trinity, Tyler, Upshur, Val Verde, Van Zandt, Victoria, Walker, Waller, Washington, Wharton, Wilbarger, Wilson, Wood.

Sec. 2B. The following counties, whether in the North or South Zones, are excluded for the operation of this Act: Bee, Brewster, Karnes, Kenedy, Terrell, Maverick, Val Verde, Wilson, Bexar, Knox, Colorado.

Sec. 2C. Provided, further, that hunting in Jack, Wise and Parker counties shall be done only by residents of those counties.

Sec. 3. The fact that there is increasing hunting pressure in this State on wild buck deer, wild bear, wild turkey gobblers and collared peccary or javelina, and hunting with the bow and arrow allows more hunting in proportion to the game killed, and there is a continuing increase in the number of bow hunters in this State, and there are no adequate safety laws regulating bow hunting creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended and such Act shall take effect and be in force from and after its passage and it is so enacted.

The report was read and was adopted.

Senate Resolution 514

Senator Phillips offered the following resolution:

Whereas, Steven Lawrence, age nine years, Robert Southard, age seven years, and Michael Wayne, age five years, are the three young sons of Senator and Mrs. Robert W. Baker and are eligible and proper candidates for the office of Mascots of the Texas Senate; and

Whereas, Steve, Bobby and Mike are young men of unusual attain-

ment and pleasing personalities; and

Whereas, These children have proven to be a constant source of joy, pride, and pleasure to their parents and to their grandparents, Mr. and Mrs. Ira Southard of Katy and Mrs. R. W. Baker of Baytown; and

Whereas, It is the desire of the Senate of the Fifty-sixth Legislature to give honor and recognition to the children of that body; now, therefore be it

Resolved, That Steven Lawrence, Robert Southard, and Michael Wayne Baker be declared Mascots of the Senate of the Fifty-sixth Legislature; and be it further

Resolved, That the picture of the aforesaid children as Mascots be placed upon the picture panel with the Members of the Fifty-sixth Legislature; and be it further

Resolved, That a copy of this resolution be sent to these children and that the Senate now go on record as extending to them its best wishes for their happiness during their entire lifetimes.

The resolution was read and was adopted.

House Bill 134 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 134, A bill to be entitled "An Act amending Section 37 of the Election Code of the State of Texas (Article 5.05, Vernon's Texas Election Code) so as to change the period for absentee voting; to prescribe the form of the physician's certificate required in cases of sickness or physical disability; to define the classes of absentee voters who may vote by mail and the classes who may vote only by personal appearance in the clerk's office and to regulate such voting; to prescribe the procedure for absentee voting in elections which are less than county-wide; and to regulate assistance to absentee voters; and declaring an emergency."

The bill was read second time.

Senator Colson offered the following Committee Amendment to the bill:

Amend H. B. 134, Section 2, Sub-

division 16, by striking out the words "tenth day preceding the date of the election instead of the"

The Committee Amendment was adopted.

On motion of Senator Colson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Record of Votes

Senators Fuller and Willis asked to be recorded as voting "Nay" on the passage of H. B. No. 134 to third reading.

House Bill 134 on Third Reading

Senator Colson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 134 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Rogers
Hardeman	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Wood
Lane	

Nays—4

Fuller	Roberts
Moore	Willis

Absent

Hazlewood	Hudson
-----------	--------

The Preident then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Fuller, Willis and Roberts

asked to be recorded as voting "Nay" on the final passage of H. B. No. 134.

House Bill 354 Re-referred

On motion of Senator Fly and by unanimous consent H. B. No. 354 was withdrawn from the Committee on State Affairs and re-referred to the Committee on State Departments and Institutions.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 865, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 289, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 945, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Moffett by unanimous consent submitted the following reports:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Agri-

culture and Livestock, to whom was referred H. B. No. 237, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 950, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senator Wood by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 3, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOOD, Chairman.

Conference Committee Report on House Bill 31

Senator Rogers submitted the following Conference Committee Report on H. B. No. 31:

Austin, Texas,
April 30, 1959.

Honorable Ben Ramsey, President of the Senate.

Honorable Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 31, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

ROGERS
CRUMP
MOFFETT
HARDEMAN
OWEN

On the part of the Senate

McILHANY
SPRINGER
WILSON
HEATLY
GLUSING

On the part of the House

H. B. No. 31,

A BILL
TO BE ENTITLED

AN ACT amending Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, compiled as Article 1525b, Vernon's Annotated Penal Code, by adding a new section to provide for the control and eradication of bovine brucellosis in the State of Texas under the supervision of the Livestock Sanitary Commission of Texas; authorizing the Livestock Sanitary Commission to enter into co-operative agreements with the United States Department of Agriculture for the control and eradication of this disease; providing methods for the establishment of different types of brucellosis control areas and stating conditions and rules for establishing the boundary lines of such areas; outlining practices to be followed in such areas; providing for certification of brucellosis free areas; providing for tests, vaccinations, quarantines, branding and identification, regulation of movement of cattle, and other practices; authorizing the Livestock Sanitary Commission to promulgate rules and regulations and to require reports and records; providing for notice and hearings in connection with the establishment of control areas and the promulgation of regulations by the Commission; placing certain restrictions on the powers of the Commission; authorizing entry upon public or private property for the purpose of enforcing this Section; authorizing the employment of personnel for administering and enforcing this Section; providing that tests and vaccinations may be given by any person certified by the Livestock Sanitary Commission; placing certain duties upon persons owning or having charge of cattle with respect to testing, vaccination and identification of animals and the furnishing of labor and facilities therefor; authorizing the Commission to adopt regulations for the disposition of infected cattle and providing that indemnities shall not be paid; defining offenses and fixing penalties; providing for judicial review of rules, orders, acts or regula-

tions of the Commission; repealing conflicting laws; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, compiled as Article 1525b, Vernon's Annotated Penal Code, be and the same is hereby amended by adding thereto a new section to be known as Section 23A, to read as follows:

"Section 23A. (1) Purpose. It is the purpose of this Section to bring about the effective control and eventual eradication of bovine brucellosis in the State of Texas and to accomplish that purpose in the most effective, practical, and expeditious manner.

(2) The Livestock Sanitary Commission of Texas may enter into co-operative agreements with the United States Department of Agriculture for the control and eradication of bovine brucellosis in Texas.

(3) The Livestock Sanitary Commission of Texas, in co-operation with the United States Department of Agriculture, is hereby authorized to engage in area or county programs for the control and eradication of bovine brucellosis to the end that all the area of this State may eventually become a modified certified brucellosis free area.

(4) When seventy-five per cent (75%) of the cattle owners in any area or county in this State, as reflected on the current tax rolls, owning at least fifty-one per cent (51%) of the cattle within that affected area or county, as reflected by said tax rolls, shall petition the Livestock Sanitary Commission of Texas to have such area or county designated as a modified certified brucellosis free area, the Livestock Sanitary Commission of Texas may declare that county or area to be a brucellosis control area. If such area follows county boundary lines it shall be designated as a 'County Brucellosis Control Area,' the name of the county identifying the area.

(5) In the event that, for any valid reasons, the Livestock Sanitary Commission of Texas should decide that conditions within and surrounding the county originating such petition make it impracticable to operate a brucellosis control area within the boundaries of such county, then the Texas

Livestock Sanitary Commission is authorized to add additional territory to such county area in reasonable amount or to eliminate part of such county area in reasonable amount, and to establish the boundary of such control area along practical and reasonable lines, provided that, before such control area can be established it must be determined that at least seventy-five per cent (75%) of the cattle owners within the boundaries of the area so established, owning at least fifty-one per cent (51%) of the cattle within that area, request the Texas Livestock Sanitary Commission to have such area designated as a modified, certified brucellosis free area. When an area not following county boundary lines is established as a brucellosis control area by the Texas Livestock Sanitary Commission such area shall be designated as 'Special Brucellosis Control Area.'

(6) In order to establish and designate an area, either County or Special, as a brucellosis control area, the Texas Livestock Sanitary Commission shall issue a proclamation describing the area by boundaries. Said proclamation shall state that said area is designated and established as a 'Brucellosis Control Area,' either County or Special, and state the date upon which brucellosis control work shall start within that area, which date shall be not less than ninety (90) days after the date of such proclamation. Such proclamation shall be publicized by posting copies thereof in at least three (3) public places within the affected area and at the door of the courthouse of the county seat or seats of the county or counties affected, which posting shall be made at least ninety (90) days before the effective date of the proclamation.

Said proclamation shall also fix the date, which shall be not less than thirty (30) days after the date of the proclamation, at which time a hearing will be had in the office of the Livestock Sanitary Commission of Texas, at which hearing any person owning cattle within the affected area who desires to protest the designation and establishment of the control area shall have the right to appear, either in person or by representative or both, and there express to the Livestock Sanitary Commission his views and opinions as to why such brucellosis control area should not be designated and established. Within ten (10) days after such hearing the Commission shall issue a statement showing its

decision upon the question of whether or not such control area shall be designated and established and such decision by the Livestock Sanitary Commission shall be final.

(7) Two types of brucellosis control areas may be established. These types are:

I. An area in which no testing shall be required but in which all female calves shall be required to be officially vaccinated within ages fixed by regulation of the Texas Livestock Sanitary Commission and in compliance with the regulations of such Commission relating to vaccination.

II. An area in which such tests, vaccinations, identifying practices, quarantines, disposition of infected animals and other practices as provided by regulations of the Texas Livestock Sanitary Commission shall be followed.

The petition of the cattle owners constituting the basis for the proclamation establishing the brucellosis control area shall state which type, 'I' or 'II,' control area is desired in the affected area and the proclamation establishing the control area shall designate which type, 'I' or 'II,' is established. No type control shall be established unless that type has been properly requested.

(8) 'Type I' Control Area

After the effective date of the proclamation establishing an area, either County or Special, as a 'Type I' brucellosis control area, it shall be the duty of all cattle owners owning cattle within the area to, at their own expense, have all female calves owned by them officially vaccinated for brucellosis in accordance with the applicable regulations issued by the Texas Livestock Sanitary Commission. Failure on the part of any person owning cattle within the designated area to have female calves owned by him so vaccinated in accordance with said regulations shall constitute a misdemeanor and upon conviction shall be punished by a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), and each female calf owned by such person that is not so vaccinated in compliance with such regulations shall constitute a separate offense.

(9) 'Type II' Control Area

Whenever the Livestock Sanitary Commission of Texas shall designate and establish an area, either County or Special, as a 'Type II' brucellosis control area, the Livestock Sanitary

Commission shall proceed to conduct such tests, vaccinations and other practices, and to enforce such rules and regulations as may be necessary to qualify said county for certification or recertification as a modified certified brucellosis free area as outlined in the uniform regulations of the United States Department of Agriculture and the Livestock Sanitary Commission of Texas. An area may be certified as a brucellosis free area when not more than one per cent (1%) of the cattle and not more than five per cent (5%) of the herds are positive to the official brucellosis agglutination test, exclusive of officially vaccinated animals under thirty (30) months of age, calves under six (6) months of age, steers and spayed heifers.

(10) The Livestock Sanitary Commission of Texas is prohibited from adopting any regulation dealing with brucellosis that would prohibit or interfere with the free movement of officially vaccinated calves from unquarantined herds under thirty (30) months of age within the State of Texas.

(11) In order to effectuate the provisions and purposes of this Section, the Livestock Sanitary Commission of Texas is hereby authorized to promulgate such rules and regulations and to require such reports and records as may be necessary to the testing, vaccinating and movement of cattle into and within said areas declared to be in the process of accreditation and into certified brucellosis free areas.

(12) Any person, firm or corporation that shall ship, drive, drift, haul, truck or otherwise transport cattle into and within any county or area declared to be in the process of accreditation or that has been designated as a modified brucellosis free area without written permit or certificate as provided for in accordance with the rules and regulations of the Livestock Sanitary Commission of Texas shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each head of cattle which said person, firm, or corporation, railroad or other common carrier shall haul, drive, drift, lead or otherwise move into such designated area in violation hereof.

Provided, however, that no regulation shall ever prohibit the movement of cattle within such area by the own-

er thereof when such movement is confined to unquarantined contiguous lands owned or controlled by such owner.

(13) Representatives of the Livestock Sanitary Commission of Texas, including members of said Commission, are hereby authorized to enter into any public or private property for the exercise of any authority or the performance of any duty authorized under this Section. Any person who refuses to permit representatives of the Livestock Sanitary Commission to enter upon any property or premises of which he is owner, tenant, or caretaker for the purpose of carrying out the provisions of this Section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not less than Ten Dollars (\$10.00) and not more than Two Hundred Dollars (\$200.00), and each separate day on which said refusal is made shall be considered a separate offense.

(14) If a representative of the Commission desires to be accompanied by a peace officer, provisions of Section 6 of this Act with respect to issuing search warrants shall apply to representatives engaged in brucellosis control and eradication.

(15) The Livestock Sanitary Commission of Texas is hereby authorized to employ veterinarians, inspectors, stenographers and necessary clerical help and such other persons it may deem necessary for the performance of any duty under this Section or the enforcement of any provisions of this Section and may detail its veterinarians, inspectors and other persons for any duty authorized under this Section or incidental thereto.

(16) All tests and vaccinations provided in this Section may be given and conducted by any person certified by the Texas Livestock Sanitary Commission, whether such persons be a Doctor of Veterinary Medicine, or not.

(17) Owners, part owners and caretakers owning or having charge of cattle located within a Type II brucellosis control area, shall submit their cattle, furnish sufficient labor and facilities when directed by the Livestock Sanitary Commission of Texas or its authorized representatives, in order that necessary blood or milk specimen may be secured from their cattle or in order that they may be vaccinated, tattooed, branded, ear notched or tagged in accordance with

the regulations of the Livestock Sanitary Commission of Texas. Owners and caretakers owning or having charge of cattle located within a Type II brucellosis control area who fail or refuse to gather their cattle and furnish necessary labor and facilities in drawing blood or milk samples, vaccinating and identifying animals shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) and each day of refusal or failure to submit cattle and render the assistance required under this Section shall be a separate offense.

(18) Should evidence of infection be disclosed in any of the animals required to be tested, such animals that react to the test shall be fire branded with the letter "B" on the left jaw and such cattle and herds shall be handled in accordance with regulations of the Livestock Sanitary Commission of Texas which shall provide for the issuance of quarantines, the manner, method and system of disposing of reactor cattle, the testing and retesting of infected herds, and the cleaning and disinfection of premises following removal of reactor cattle.

(19) Indemnities shall not be paid for any cattle which may be reactors to any test for brucellosis made under the provisions of this Section.

(20) Before regulations of the Livestock Sanitary Commission relating to control work of brucellosis in all types of areas shall become effective, notice of intent to promulgate such regulations shall be given by publication in at least three (3) newspapers having statewide circulation. Said notice shall also inform the public that on a designated date stated in such published notice a hearing will be had at the office of the Livestock Sanitary Commission of Texas, at which hearing any person who objects to such proposed regulations or any part thereof shall have the right to appear either in person or by representative or both, and to state his objections. All such facts and evidence developed at such hearing shall be considered and evaluated by the Livestock Sanitary Commission and public notice shall be given by the Livestock Sanitary Commission within ten (10) days after such hearing stating whether or not such objections have been approved and adopted or have been disapproved

and rejected by the Livestock Sanitary Commission.

(21) If any person, corporation or other party at interest be dissatisfied with any rule, order, act or regulation adopted by said Livestock Sanitary Commission of Texas, separately or in conjunction with the United States Department of Agriculture or any other agency, such dissatisfied person, corporation or other entity, after failing to get relief from said Commission, may within twenty (20) days of the date of issuance of such rule, order, act or regulation, file a petition setting forth the particular objection to such rule, order, act or regulation or either or all of them in the District Court of the county where said order, act or regulations have been or proposed to be enforced, against said Livestock Sanitary Commission of Texas as defendant. In all trials under this Section the burden of proof shall rest upon the plaintiff, who must show by the preponderance of evidence that the rules, orders, acts or regulations complained of are unreasonable to it or them."

Sec. 2. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared severable.

Sec. 4. The fact that bovine brucellosis needs to be controlled for the health and safety of the people of Texas and for the economic prosperity of livestock producers, and such control is necessary for the prevention of the spread of this disease, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—28

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis
Owen	Wood

Nays—1

Fly

Absent

Hazlewood Moore

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following:

H. C. R. No. 58, Relative to a Clas-
sification Plan and a Salary Plan ap-
plicable to all positions for which leg-
islative appropriations are made, with
certain exceptions.

H. C. R. No. 78, Granting Orrin O.
Rumfield permission to sue the State.

H. C. R. No. 82, Granting permis-
sion to Tom Hutton to sue the State
of Texas and the State Highway De-
partment of the State of Texas.

H. C. R. No. 83, Granting permis-
sion to W. H. Taylor of Cherokee
County, Texas, to sue the State of
Texas.

H. C. R. No. 94, Granting permis-
sion to Pacific Coast Fire Insurance
Company to sue the State of Texas.

H. C. R. No. 101, Granting Murray
Watson, Sr., permission to sue the
State of Texas.

H. C. R. No. 102, Granting permis-
sion to Frank M. Maddox, Jr., to sue
the State of Texas.

H. C. R. No. 105, Granting George
G. Fisher and wife, Loretta Fisher,
and their infant son, Robert M. Fish-

er, and his legal representatives, per-
mission to sue the State.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Recess

On motion of Senator Aikin the
Senate at 12:04 o'clock p.m. took re-
cess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to
order at 2:30 o'clock p.m. today.

**House Bills and Resolutions
on First Reading**

The following bills and resolutions
received from the House were read
the first time and referred to the
committees indicated:

H. B. No. 989, To the Committee on
Water and Conservation.

H. B. No. 993, To the Committee on
Transportation.

H. B. No. 734, To the Committee on
Counties, Cities and Towns.

H. B. No. 676, To the Committee on
Jurisprudence.

H. B. No. 421, To the Committee on
Public Health.

H. B. No. 489, To the Committee on
State Affairs.

H. B. No. 710, To the Committee on
State Affairs.

H. B. No. 752, To the Committee on
State Affairs.

H. B. No. 850, To the Committee on
Water and Conservation.

H. B. No. 973, To the Committee on
Water and Conservation.

H. B. No. 975, To the Committee on
Water and Conservation.

H. B. No. 966, To the Committee on
Jurisprudence.

H. B. No. 82, To the Committee on
Jurisprudence.

H. B. No. 581, To the Committee on
Jurisprudence.

H. B. No. 990, To the Committee on Water and Conservation.

H. B. No. 994, To the Committee on Insurance.

H. B. No. 923, To the Committee on State Affairs.

H. B. No. 983, To the Committee on Game and Fish.

H. B. No. 560, To the Committee on Education.

H. B. No. 981, To the Committee on Water and Conservation.

H. B. No. 419, To the Committee on Jurisprudence.

H. B. No. 862, To the Committee on Counties, Cities and Towns.

H. B. No. 506, To the Committee on Insurance.

H. B. No. 971, To the Committee on Water and Conservation.

H. B. No. 985, To the Committee on Counties, Cities and Towns.

H. C. R. No. 82, To the Committee on Jurisprudence.

H. C. R. No. 83, To the Committee on Jurisprudence.

H. C. R. No. 94, To the Committee on Jurisprudence.

H. C. R. No. 101, To the Committee on Jurisprudence.

H. C. R. No. 102, To the Committee on Jurisprudence.

H. C. R. No. 105, To the Committee on Jurisprudence.

H. C. R. No. 78, To the Committee on Jurisprudence.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 70, Allowing the House of Representatives to take up Senate Bill No. 423 at any time, etc.

H. C. R. No. 123, Suspending the Joint Rules.

H. C. R. No. 125, Suspending the Joint Rules so that either House may take up and consider House Bill No. 11 at any time.

H. C. R. No. 126, Suspending the Joint Rules.

H. C. R. No. 127, Suspending the Joint Rules.

H. C. R. No. 128, Suspending the Joint Rules.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 58 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 58, Requesting Texas Employment Commission to study job classification for State Departments and Agencies.

The resolution was read.

On motion of Senator Roberts and by unanimous consent the resolution was considered immediately and was adopted.

Reports of Standing Committees

Senator Fly by unanimous consent submitted the following reports:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred H. B. No. 735, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred H. B. No. 927, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 734, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 980 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 980, A bill to be entitled "An Act making available certain unexpended balance of funds to Runnels County Water Improvement District; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 980 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 980 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Wood
Krueger	

Absent

Moffett Willis

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

Absent

Willis

House Bill 735 Ordered Not Printed

On motion of Senator Lane and by unanimous consent H. B. No. 735 was ordered not printed.

Reports of Standing Committees

Senator Roberts by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 278, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 983, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred H. B. No. 354, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Senator Kazen by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred H. B. No. 993, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senator Weinert by unanimous consent submitted the following reports:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 971, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 973, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 989, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 975, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 990, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 981, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was re-

ferred H. B. No. 850, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senate Resolution 515

Senator Smith offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Seniors and Juniors of Lubbock High School's Vocational Industrial Club No. 10, accompanied by their teacher and sponsor, Mr. James Burnett; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Smith by unanimous consent presented the students and Mr. Burnett to the Members of the Senate.

House Concurrent Resolution 126 on Second Reading

On motion of Senator Bradshaw and by unanimous consent the President laid before the Senate the following resolution:

H. C. R. No. 126, Suspending Joint Rules to consider H. B. No. 391 at any time.

The resolution was read and was adopted.

House Bill 971 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 971 was ordered not printed.

House Joint Resolution 39 on Second Reading

On motion of Senator Martin and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 39, A Joint Resolution "Proposing an amendment to Article IX of the Constitution of the State of Texas by adding thereto a new section to be known as Section 6, to provide that the Legislature may authorize the creation of a Hospital District co-extensive with Lamar County, having certain stated powers and duties and subject to certain stated limitations; providing that any enabling acts shall not be invalid because of their anticipatory character; providing for an election; prescribing the form of ballot and providing for the necessary proclamation and publication."

The resolution was read second time and passed to third reading.

House Joint Resolution 39 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rules 32 and 45 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 39 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 71, Suspending Joint Rules to allow either House to take up and consider House Bill No. 437, at any time.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 516

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Law Class of William B. Travis High School in Austin, Travis County, Texas, accompanied by their teacher, Mrs. Jack Welge; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to

the class in appreciation of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mrs. Welge to the Members of the Senate.

Senate Resolution 517

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Vernon Beckham, Mr. Mike Brady, Jr., and Mike Brady, III, of Denison, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented the guests to the Members of the Senate.

Motion to Place
House Bill 873 on Second Reading

Senator Fly asked unanimous consent to suspend the regular order of business and take up H. B. No. 873 for consideration at this time.

There was objection.

Senator Fly then moved to suspend the regular order of business and take up H. B. No. 873 for consideration at this time.

The motion was lost by the following vote:

Yeas—13

Baker	Parkhouse
Bradshaw	Phillips
Fly	Reagan
Kazen	Secrest
Krueger	Smith
Lane	Wood
Moffett	

Nays—16

Aikin	Dies
Colson	Gonzalez
Crump	Hardeman

Hazlewood
Herring
Martin
Moore
Owen

Ratliff
Roberts
Rogers
Weinert
Willis

Present—Not Voting

Hudson

Absent

Fuller

**House Bills Nos. 989 and 950
Ordered Not Printed**

On motion of Senator Rogers and by unanimous consent H. B. Nos. 989 and 950 were ordered not printed.

House Bill 975 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 975 was ordered not printed.

House Bill 107 Re-referred

On motion of Senator Colson H. B. No. 107 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

House Bill 581 Re-referred

On motion of Senator Moore and by unanimous consent H. B. No. 581 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Senate Concurrent Resolution 73

Senator Parkhouse offered the following resolution:

S. C. R. No. 73, Suspending the Joint Rules to permit the House or Senate to consider S. B. No. 282 at any time.

Resolved, By the Senate of Texas, the House of Representatives concurring, that the joint rules be suspended so that S. B. No. 282 may be considered by either the Senate or House at any time.

The resolution was read.

Senator Parkhouse asked unanimous consent to consider the resolution immediately.

There was objection.

House Bill 983 Ordered Not Printed

On motion of Senator Reagan and by unanimous consent H. B. No. 983 was ordered not printed.

House Bill 278 Ordered Not Printed

On motion of Senator Bradshaw and by unanimous consent H. B. No. 278 was ordered not printed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 6, 1959,

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 58, Relative to importation of foreign labor to the ranch and agricultural areas, etc.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 12 on Second Reading

On motion of Senator Phillips and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 12, To be known as the "Texas Shrimp Conservation Act"; stating legislative intent; stating the duties and obligations of the Game and Fish Commission of Texas under this Act; defining terms; prescribing and defining unlawful acts; providing for and defining licensing; defining duties, powers and authorities of licensee's; providing for closed and open seasons of the coastal waters within the jurisdiction of the State of Texas; etc.; and declaring an emergency.

The bill was read second time.

Senator Phillips offered the following Committee Amendment to the bill:

Amend Section 15 (b) of House Bill 12 in the second line of the printed bill, beginning after the word No. by deleting the figures 835 and inserting in lieu thereof the following: 538

The Committee Amendment was adopted.

Senator Phillips offered the following Committee Amendment to the bill:

Amend House Bill No. 12 by adding the following at the end of Section 11:

"; provided further that any person may take or catch shrimp during the open season for his own personal use provided the catch meets the count requirements of this act, any other provisions of this act to the contrary notwithstanding."

The Committee Amendment was adopted.

Senator Phillips offered the following Committee Amendment to the bill:

Amend H. B. 12 Subsection (i) of Section 13 by striking out the words "or in Travis County, Texas."

The Committee Amendment was adopted.

Senator Phillips offered the following Committee Amendment to the bill:

Amend H. B. No. 12 by deleting all of Section 6 (c) 3.

The Committee Amendment was adopted.

Senator Phillips offered the following Committee Amendment to the bill:

Amend Section 6 (a) H. B. No. 12, Page 11 by placing a period after the word "Act" on line 25 and delete the following, to wit: "and to sell for human consumption such portion of the catch as meets the "count" provision of this Act."

The Committee Amendment was read.

Senator Fly offered the following substitute for the Committee Amendment.

Amend Section 6(a) of House Bill 12 by adding after the word "Act" in the last line of the Sub-Section the following words:

Provided it shall be unlawful for any person to dump overboard any

shrimp in order to comply with this section in regard to the "count" provisions, and anyone so culling or dumping shrimp into the water for such purposes shall be subject to the penalties hereinafter set forth. (The dumping overboard of any shrimp shall be deemed prima-facie evidence that such person intended to violate the prohibition set forth herein.)

The substitute for the Committee Amendment was read.

(Senator Weinert in the Chair.)

Senator Moore moved to table the substitute for the Committee Amendment.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table the substitute for the Committee Amendment prevailed by the following vote:

Yeas—20

Baker	Moore
Crump	Owen
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Kazen	Secrest
Krueger	Smith
Moffett	Willis

Nays—9

Aikin	Martin
Bradshaw	Parkhouse
Fly	Weinert
Hardeman	Wood
Lane	

Present—Not Voting

Hudson

Absent

Colson

The Committee Amendment was then adopted.

On motion of Senator Phillips and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 12 on Third Reading

Senator Phillips moved that the

Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Colson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Colson

Reports of Standing Committees

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Edu-

cation, to whom was referred H. B. No. 612, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 581, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

House Bill 230 on Second Reading

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 230, A bill to be entitled "An Act amending Article 494a, Vernon's Code of Criminal Procedure, increasing attorney fees for representation of indigents accused of felony offenses, and repealing all laws or parts of laws in conflict herewith; and expressly repealing Section 1a of Chapter 19, Page 25, Acts of the 52nd Legislature known as Article 494a, Vernon's Code of Criminal Procedure."

The bill was read second time and passed to third reading.

(President in the Chair.)

House Bill 230 on Third Reading

Senator Baker moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 230 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Crump
Baker	Dies
Bradshaw	Fly
Colson	Fuller

Gonzalez	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Moffett	Weinert
Moore	Willis
Owen	Wood
Parkhouse	

Nays—2

Hardeman	Martin
----------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Moore
Baker	Owen
Bradshaw	Parkhouse
Dies	Phillips
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Nays—7

Colson	Martin
Crump	Moffett
Hardeman	Ratliff
Lane	

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 129, Suspending the Joint Rules of both Houses in order to take up and consider House Bill No. 88.

H. C. R. No. 131, Suspending Joint Rules of the two Houses.

H. C. R. No. 133, Suspending the Joint Rules.

H. C. R. No. 134, Suspending the Joint Rules.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 229 on Second Reading

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 229, A bill to be entitled "An Act amending Article 494, Vernon's Code of Criminal Procedure, providing that when an accused in any felony is arraigned or it is made known to the Court at any time that he is not able to hire an attorney that the Court shall appoint one or more practicing attorneys to represent him and the attorney shall have 10 days notice unless waived in writing by the accused and attorney; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 229 on Third Reading

Senator Baker moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 229 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Crump

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Martin	

Nays—2

Crump Lane

House Bill 4 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 4, A bill to be entitled "An Act repealing subsections 2 through 19 of Section 1 of Senate Bill No. 269, Acts 1945, 49th Legislature, page 629, Chapter 358, as amended by Senate Bill No. 256, Acts 1949, 51st Legislature, page 411, Chapter 220, as further amended, by Senate Bill No. 143, Acts 1951, 52nd Legislature, page 612, Chapter 363, also known as Articles 6053 and 6052a of the Revised Civil Statutes of Texas; etc.; and declaring an emergency."

The bill was read second time.

Senator Smith offered the following Committee Amendment to the bill:

Amend H. B. No. 4 by striking Sec. 10 and inserting in lieu thereof the following:

Section 10. Qualified Employees.

A. Examination. After the effective date of this Act, no dealer in LPG shall employ any person as a service, and/or installation man or any person as a delivery or transport truck driver unless such person shall have submitted to and passed an examination as prescribed by the Commission to determine his competency to safely perform the duties required of him in

handling or dealing with LPG in the capacity in which he is to be employed; provided, however, a trainee employee shall be exempt from such examination for a period of forty-five (45) days, and until examined by a representative of the Commission. Any LPG dealer employing any such trainee employee shall, within forty-five (45) days of the commencement of such employment, notify the Commission of such employment so that an examination may be scheduled. Such examination shall be made in the field, and if the employee passes the examination such fact shall be reported to the LPG Division and noted in its records.

B. Present Employees. Notwithstanding anything herein to the contrary, however, any person who is employed by a LPG dealer on the effective date of this Act shall be presumed to be a qualified employee until examined by a representative of the Railroad Commission in the same manner as prescribed in Section 10A hereof. If such employee shall fail to pass said examination, such employee shall nevertheless continue as a qualified employee for an additional period of thirty (30) days and shall be entitled to one re-examination during said period. If such employee fails to pass this second examination, such employee shall no longer be a qualified employee and such employee may not be employed by any LPG dealer in such work unless and until such employee shall pass a subsequent examination.

The Committee Amendment was adopted.

Senator Smith offered the following Committee Amendment to the bill:

Amend H. B. No. 4 by deleting Sec. 11 and inserting in lieu thereof the following.

Section 11. Registration of Trucks.

A. Transport and Delivery Trucks. Each truck or other motor vehicle equipped with a LPG cargo tank and each truck used principally for transporting or delivering LPG in portable containers shall be required to be registered hereunder.

B. Registration Forms and Annual Fees. Forms for the registration of such trucks or motor vehicles shall be furnished by the commission and shall contain such information as the commission shall require. The registration fee for such trucks or motor vehicles

shall be \$10.00 per truck or motor vehicle per annum.

C. Motor Carrier Laws and Department of Public Safety. Nothing contained in this Act shall be construed to alter, modify, amend or revoke all or part of the Motor Carrier Laws of this State, and the Department of Public Safety of the State of Texas shall cooperate with the Commission in the administration and enforcement of this Act and the rules, regulations and/or standards promulgated thereunder insofar as same apply to motor vehicles.

The Committee Amendment was adopted.

Senator Smith offered the following Committee Amendment to the bill:

Amend H. B. No. 4, Section 3, Subsection D, by substituting a comma for the period after the word "car" in the last line of said subsection and adding the following:

"or to any deliveries of LPG to another person at the place of production, refining, or manufacturing."

The Committee Amendment was adopted.

Senator Smith offered the following Committee Amendment to the bill:

Amend H. B. No. 4, Section 9B (1) by: deleting all of said subsection and inserting in lieu thereof the following:

(1) Notice. Notice of each such hearing setting forth the name, address, business location and the name or style of each such applicant and the category or categories applied for under Section 6 of this Act shall be posted in a conspicuous place in the Office of Director of the LPG Division in Travis County, Texas, at least thirty (30) days prior to the date of such hearing."

The Committee Amendment was adopted.

Senator Smith offered the following Committee Amendment to the bill:

Amend H. B. No. 4, Section 9B by deleting the second and third sentences in said section and inserting in lieu thereof the following:

"Public hearings on the Second Monday in the months of January, April, July and October of each and every year hereafter on all such applications; or upon such other occasions as the Commission may, in compliance herewith, deem necessary. Provided further that in the event

that the Second Monday should fall on a holiday, such hearings shall be held on the first weekday immediately next following such holiday."

The Committee Amendment was adopted.

Senator Smith offered the following Committee Amendment to the bill:

Amend H. B. No. 4, Section 5, by deleting the period at the end of the last sentence in such section and inserting the following:

"or where such person is not engaged in business as a dealer in LPG as more specifically set out in Section 6 hereof."

The Committee Amendment was adopted.

On motion of Senator Smith and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Record of Vote

Senator Kazen asked to be recorded as voting "Nay" on the passage of H. B. No. 4 to third reading.

House Bill 4 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Colson	Owen
Crump	Parkhouse
Dies	Philips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Krueger	Weinert
Lane	Willis
Martin	Wood
Moffett	

Nays—1

Kazen

Absent

Baker Hudson
Bradshaw

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committees

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 421, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 107, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 78, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 82, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 83, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 101, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 102, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 105, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 94, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

House Bill 748 Re-referred

On motion of Senator Rogers and by unanimous consent H. B. No. 748 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

House Bill 421 Ordered Not Printed

On motion of Senator Martin and by unanimous consent H. B. No. 421 was ordered not printed.

House Bill 107 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 107 was ordered not printed.

House Bill 101 on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 101, A bill to be entitled "An Act providing for local option elections in certain counties of this State relating to the question of abolition and discontinuance of the Office of County Superintendent and providing that in the case of an affirmative vote on such question the Office of County Superintendent is abolished; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following Committee Amendment to the bill:

Amend House Bill No. 101 by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. In every county of this State having only one school district, whether independent school district,

rural high school district, or common school district, the office of County Superintendent or ex officio County Superintendent is hereby abolished, effective at the end of the term for which the present incumbent was elected.

Sec. 2. The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act be in force and effect from and after its passage, and it is so enacted."

The Committee Amendment was read.

Senator Moffett offered the following substitute for the Committee Amendment:

Amend H. B. No. 101 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. In every county of this State to which all of the following conditions are applicable, the office of County Superintendent is hereby abolished effective at the end of the term for which the incumbent was elected:

"(a) Said county has not more than one common school district, with a total average daily attendance in such common school district of thirty (30) or less scholastics; and

"(b) Said county has as many as, but not more than, three (3) independent high school districts; and

"(c) Said county has a total average daily attendance of all schools, both independent and common, located within or subject to the jurisdiction of such county, of not more than 3,500 nor less than 3,000 for the two consecutive years after the effective date of this Act; and

"(d) Said county has a total area of not less than 860 square miles nor more than 1,160 square miles.

"Sec. 2. In all counties covered by Section 1 of this Act, wherein the office of County Superintendent has been abolished and the term of the incumbent has expired, any supervisory duties deemed necessary by the County Board of such county shall be performed by the County Judge in ex-officio capacity as is now provided

for by law according to Article 2701, Revised Civil Statutes.

"Sec. 3. The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act be in force and effect from and after its passage, and it is so enacted."

The substitute for the Committee Amendment was read.

Senator Bradshaw offered the following amendment to the substitute for the Committee Amendment:

Amend the pending substitute to H. B. No. 101 by adding the following section to be known as Section 1(a):

"Section 1(a). The office of County Superintendent is hereby abolished in all counties where there is only one school district in said county, and that being an independent school district located in the county seat of such county; and, further, where the total average daily attendance in aforesaid independent school district, according to the 1958-1959 Public School Directory, is not less than 1,465, and not more than 1,475." and by adding the words "and 1(a)" in the first line of Section 2 following the words "Section 1."

The amendment to the substitute for the Committee Amendment was adopted.

The substitute for the Committee Amendment as amended was then adopted.

The Committee Amendment as substituted and amended was then adopted.

On motion of Senator Moffett and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 101 on Third Reading

Senator Moffett moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that

H. B. No. 101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secret
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	

Nays—1

Ratliff

Absent

Wood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 78 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. C. R. No. 78 was ordered not printed.

Committee Substitute House Bill 440 on Second Reading

Senator Lane asked unanimous consent to suspend the regular order of business and take up C. S. H. B. No. 440 for consideration at this time.

There was objection.

Senator Lane then moved to suspend the regular order of business and take up C. S. H. B. No. 440 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Fly
Colson	Gonzalez
Crump	Hardeman
Dies	Herring

Kazen	Roberts
Lane	Rogers
Martin	Secrest
Moffett	Smith
Moore	Weinert
Owen	Willis

Nays—7

Bradshaw	Phillips
Fuller	Ratliff
Krueger	Reagan
Parkhouse	

Absent

Baker	Hudson
Hazlewood	Wood

The President laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 440, A bill to be entitled "An Act providing, with some exceptions, for procedure applicable to appeals or proceedings for judicial review of any decision, ruling, rule, regulation, or order of any department, officer, or other administrative agency of the State government, including a provision that the preponderance-of-the-evidence rule to resolve disputed fact questions shall be applicable to some issues, and the substantial-evidence rule shall be applicable to other issues; specifying the authority and duty of the trial court; providing for an appeal; repealing laws and parts of laws in conflict, and supplementing provisions of existing laws not in conflict; and declaring an emergency."

The bill was read the second time.

Senator Lane offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 440 by striking out the word "non-discretionary" in the first line of Section 2.3.1 under Paragraph 2.3 of Section 1 of the bill.

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 440 by inserting the word "substantial" after the word "without" in line one of sub-section (4) of Section 2.3.2 under Paragraph 2.3 of Section 1 of the bill.

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 440 by inserting the words "which does not assure justice" after the word "law" and before the ";" in line two of sub-section (4) of Section 2.3.2. under Paragraph 2.3 of Section 1 of the bill.

The amendment was adopted.

Record of Vote

Senator Krueger asked to be recorded as voting "Nay" on the adoption of the above amendments.

On motion of Senator Lane and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to third reading.

Record of Vote

Senators Krueger and Wood asked to be recorded as voing "Nay" on the passage of C. S. H. B. No. 440 to third reading.

Motion to Place
Committee Substitute
House Bill 440 on Third Reading

Senator Lane moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 440 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—21

Aikin	Martin
Baker	Moffett
Colson	Moore
Crump	Owen
Dies	Reagan
Fly	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Herring	Smith
Kazen	Willis
Lane	

Nays—8

Bradshaw	Parkhouse
Fuller	Phillips
Hazlewood	Ratliff
Krueger	Wood

Absent

Hudson

Weinert

Notice of Executive Session

Senator Reagan gave notice that he would on tomorrow at 11:00 o'clock a.m. make a motion for an Executive Session.

House Bill 990 Ordered Not Printed

On motion of Senator Crump and by unanimous consent H. B. No. 990 was ordered not printed.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 748, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 748 Ordered Not Printed

On motion of Senator Rogers and by unanimous consent H. B. No. 748 was ordered not printed.

House Concurrent Resolution 82 Ordered Not Printed

On motion of Senator Roberts and by unanimous consent H. C. R. No. 82 was ordered not printed.

House Bill 581 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 581 was ordered not printed.

House Bill 568 and 569 Re-referred

On motion of Senator Gonzalez and by unanimous consent H. B. Nos. 568 and 569 were withdrawn from the

Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. 568, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 6, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 569, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Concurrent Resolution 94 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. C. R. No. 94 was ordered not printed.

House Concurrent Resolution 83 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. C. R. No. 83 was ordered not printed.

Adjournment

On motion of Senator Hardeman the Senate at 4:47 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
J. M. Grant

Senator Aikin offered the following resolution:

(Senate Resolution 509)

Whereas, God, in His infinite wisdom, has called from these earthly labors J. M. Grant of Deport, Lamar County, Texas; and

Whereas, Mr. Grant was an outstanding citizen and civic leader for many years in Northeast Texas; and

Whereas, He was known and loved by all who knew him and had contributed his time and talent to the upbuilding and betterment of his Community and his State; and

Whereas, The Senate desires to pay tribute to one whose untiring efforts had contributed so much to making his Community and his State a better place in which to live; now, therefore, be it

Resolved, by the Senate of Texas, That this resolution be adopted by a rising vote and that copies of this resolution in the memory of this good man and most worthy citizen be mailed to members of his family, and that a page be set aside in the Senate Journal today in his memory.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Mrs. Sam A. Parker, Jr.

Senator Herring offered the following resolution:

(Senate Resolution 511)

Whereas, In the passing of Mrs. Sam A. Parker, Jr., on the eighteenth day of February, 1959, the people of Austin lost an outstanding member of the community; and

Whereas, Mrs. Parker was a native of El Paso, Texas, where she was born on September 5, 1913, and received her early education in the public schools there before attending the University of Texas from which institution she received her Bachelor of Arts Degree and later received her Master's Degree in Education at Columbia University; and

Whereas, In 1936 she became associated with the State Board of Education as a consultant in the curriculum division assisting in revising and establishing curriculum in the Texas Public Schools, and collaborated in the writing of several textbooks currently used in the public Schools of Texas and other states; and

Whereas, Mrs. Parker served as Executive Secretary to the Honorable John Lee Smith during his tenure as Lieutenant Governor of the State of Texas; and

Whereas, She was active in the civic work of her community, serving on the Board of Directors of the Travis County Humane Society, was president of the Westenfield Playground Parents Club, a member of the Tarrytown Methodist Church, and the Parent-Teachers Associations of Stephen F. Austin High School and O. Henry Junior High School; and

Whereas, Mrs. Parker used her many talents generously and effectively in her every undertaking and dedicated herself foremost to the loving care of her home and family; and

Whereas, She is survived by her husband and two young children, a son, Terry, and a daughter, Penny; and

Whereas, It is the desire of the Senate of the Fifty-sixth Legislature of the State of Texas to honor the memory of this devoted wife and mother; now, therefore, be it

Resolved, That when the Senate adjourns today it do so in her memory, and that a page in the permanent Journal of the Senate be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this memorial resolution be sent to each member of Mrs. Parker's family as a token of our deep sympathy and respect.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Captain Willis L. Sutton

Senator Willis offered the following resolution:

(Senate Resolution 518)

Whereas, On the Third Day of May, in the Year of Our Lord, Nineteen Hundred Fifty-nine, Almighty God, in His Infinite Wisdom, did call to his Heavenly Rest, Captain Willis L. Sutton of the United States Air Force; and

Whereas, Captain Sutton, after entering the armed services in 1942, served with honor and distinction in the Pacific Theatre and devoted his very life to the service and defense of his Country. He was then appointed an Air Force instructor at Oklahoma State University where his devotion to God and Country served as an inspiration to future officers of the United States Air Force; and

Whereas, This fine young man was reared and educated in Tarrant County. He is survived by Reverend and Mrs. M. L. Sutton. Reverend Sutton is Pastor of Trinity Free Will Baptist Church; now, therefore, be it

Resolved, That the Senate of Texas do hereby express its sincere sympathy to the family of this splendid young American and that copies of this resolution be forwarded to them under the seal of the Senate of Texas; and, be it further

Resolved, That a page of the Senate Journal be set aside as a memorial to Captain Willis L. Sutton and that when the Senate of Texas adjourns today, it do so in his honor and memory.

The resolution was read and was adopted by a rising vote of the Senate.